

REMARKS

Claims 1, 3-5, 7 and 10-26 are pending. Claims 2, 6 and 8-9 have been canceled without prejudice.

Interview

Applicants note with appreciation that Examiners Kopec and Nguyen conducted a personal Interview with Applicants' representative, Garth M. Dahlen, Ph.D., Esq. (#43,575) on February 14, 2008. The Examiners were very helpful in clarifying the outstanding issues.

The following arguments were orally presented to the Examiners during the Interview and the enclosed Declaration is identical to the Declaration shown to the Examiners during the Interview.

Applicants respectfully request that the prior art based rejections be withdrawn and the application goes on to issue.

Prior Art Based Issues

The following prior art rejections are pending:

- A. Claims 1, 3, 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as obvious over Shuichi et al (JP Pub. 2000/110077) in view of Hiroshi et al. (JP Pub. 2000/110068); and
- B. Claim 7, 10, 17 and 20-26 are rejected under 35 U.S.C. 103 (a) as obvious under Shuichi et al in view of Hiroshi et al. as applied to the claims above, and further in view of Trinh et al. (US 6,790,819).

Applicants respectfully traverse Rejections A and B.

The present invention is designed to fill the strong market demand for a treating agent which gives the fibers a tensile quality, without feeling starchy and are smooth to the touch.

The inventive fiber product treating agent composition which accomplishes the above-described goals, comprises the following components (a), (b), (c) and (d):

- (a) a nonionic surfactant containing 1 to 3 polyoxyalkylene groups having the number-average addition mol number of the oxyalkylene group of 50 to 200 and 1 to 3 hydrocarbon groups having 14 to 32 carbon atoms and having an HLB of 16 or more and a melting point of 30 to 80°C,
- (b) an amino-modified silicone compound,
- (c) at least one type selected from a tertiary amine in which one or two groups of the three groups bonded to a nitrogen atom of the tertiary amine is/are a hydrocarbon group having 10 to 20 carbon atoms and the remainder group(s) is/are a hydrocarbon group which has 1 to 3 carbon atoms and may be substituted with a hydroxy group, an acid salt thereof and a quaternary product thereof, and
- (d) polymer compound having the weight-average molecular weight of 2000 or more (excluding component (a) and component (b)).

Applicants note that the present claims require that the components (a)-(d) are kept in specific concentration ranges relative to one another. These ranges are as follows:

- i) wherein a mass ratio of the component (a)/the component (b) is 4/1 to 1/4;
- ii) a mass ratio of the component (a) /the component (c) is 20/1 to 1/1; and
- iii) a mass ratio of [the component (a) + component (b)]/ [component (c) + component (d)] is 95/5 to 80/20.

These specific ranges for the components give the inventive treating agent unexpected advantages over compositions of the cited prior art as evidenced by the attached Declaration by one of the coinventors, Ms. Motoko FUJII. The results of the Declaration are explained below.

The primary reference relied upon by the Examiner is Shuichi et al.. The Examiner has taken the position that Shuichi et al. teach a composition containing components which correspond to the inventive components as shown in the following table:

Instant Claims

Shuichi et al.

(a) Nonionic Surfactant (b) Amino modified silicone (c) Tertiary amine (d) Polymer	(C) (A) (B) Cellulose
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As noted in the above-table, Shuichi et al. (a partial English translation was submitted as an attachment to the October 12, 2007 Amendment) teaches component (C) which the Examiner alleges corresponds to component (a) the nonionic surfactant of the present invention. Shuichi et al. discuss that the purpose of component (C) is to prevent the “finishing agent from viscosity-increasing and gelling during storage” and to prevent “gelling during storage at a high temperature.” The reference describes a preferable compounding ratio of 0.1 to 5 % by weight. However, there is no teaching or suggestion by Shuichi et al. that the surfactant (C) of Shuichi et al. can improve the suppression of wrinkles and improve the tenseness as was found by the present inventors with respect to the action of component (a) the nonionic surfactant of the present invention. Furthermore, there is no teaching or suggestion by Shuichi et al. regarding ratios of component (a) to the other components.

The attached Declaration is provided to show that the present invention has unexpectedly superior properties to the closest operative embodiments of Shuichi et al. These compositions of Shuichi et al. and the composition of the present invention were tested for suppression of wrinkles and improved tenseness.

The results of the experiments are given below in the Table. Comparative Example 2-1 and 2-2 correspond to Examples 1 and 2 of Shuichi et al.

Tested Compositions as defined by Shuichi et al.	Test No.	Shuichi et al. Comparative Example 1	Shuichi et al. Comparative Example 2	Present invention Example 2-1
Component (A)	A-1	2		
	A-2		2	
	(b)-2 of present invention			6
Component (B)	B-1	7.5	7.5	
	B-2	0.5	0.5	
	B-5	0.1	0.1	
	(c)-2 of present invention			1
Component (C)	C-1	1		
	C-2		1	
	(a)-1 of present invention			8
Component (D)	D-1 which is (f)-2 of present invention	2	5	0.5
	D-2	5	2	
Component (E)	E-1		0.3	
	E-2	0.1		
	(d1)-1 of present inv			0.05
	(e)-2 of present inv			1
	(f)-1 of present inv			2
	(f)-3 of present inv			5
	(g)-2 of present inv			0.10
	(g)-3 which is hydrochloric acid	Amount to prepare pH 3	Amount to prepare pH 3	0.28
	Calcium chloride	0.3	0.3	
	Antibacterial agent			0.10
	Benzoic acid	0.07	0.07	
	Kason CG	0.01	0.01	
	Chelating agent			0.015
	Perfume	0.6	0.6	0.30
	Dye (Acid red 138)	0.0006	0.0006	
	Dye (Acid yellow 141)	0.0025	0.0025	
	Dye of present inv			0.003
	Water	Balance	Balance	Balance
Results of the evaluation	Wrinkles	x (-0.4)	$\Delta(0)$	@(1.6)
	Tenseness	x (-0.8)	X (-0.6)	@(1.4)

It is noted that neither Comparative Example 1 nor Comparative Example 2 meets the following ranges of the present invention:

- ii) a mass ratio of the component (a) /the component (c) is 20/1 to 1/1; and
- iii) a mass ratio of [the component (a) + component (b)]/ [component (c) + component (d)] is 95/5 to 80/20.

As shown in the "Results of the evaluation" section of the above table, these Comparative Examples, which correspond to Examples 1 and 2 of Shuichi et al. are markedly inferior to the composition of the present invention for suppression of wrinkles and improved tenseness. This is in comparison to the composition of the present invention which showed excellent characteristics of improving the suppression of wrinkles and improving the tenseness.

It is clear that this improvement would not be expected based on the teachings of Shuichi et al. Furthermore, the secondary references to Hiroshi et al. and Trinh et al. are silent with respect to the correlation found by the present inventors between the ranges ii) and iii) (as described above) and the improved suppression of wrinkles and improved tenseness. As such, the superior properties effected by the inventive composition would not be expected by the skilled artisan based on the combination of Shuichi et al. and Hiroshi et al. and optionally Trinh et al. As such, even if a *prima facie* case of obviousness were to exist, which it does not, the unexpected character of the improved properties of the present invention would overcome the *prima facie* case. In conclusion, Applicants respectfully submit that the present invention is patentable over the combination of Shuichi et al. and Hiroshi et al. and optionally Trinh et al., and withdrawal of Rejection A and Rejection B is requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By  #43575

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Attachments: Declaration by one of the coinventors, Ms. Motoko FUJII